

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MARCUS TERRY, a/k/a
MARCUS BENSON, a/k/a
TORIAN BENSON,

Petitioner,

VS .

TONY PARKER,

Respondent.

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No. 05-2880-M1/P

ORDER DENYING IRREGULAR MOTION

Petitioner Marcus Terry, a/k/a Marcus Benson, a/k/a Torian Benson, Tennessee Department of Correction prisoner number 220847, an inmate at the Northwest Correctional Complex ("NWCX") in Tiptonville, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on November 25, 2005, along with a volume of supporting documents and an application seeking leave to proceed in forma pauperis. The Court issued an order on January 17, 2006 that, inter alia, denied the in forma pauperis application as moot, dismissed the petition as untimely, and denied a certificate of appealability. Judgment was entered on January 17, 2006. Petitioner filed a notice of appeal on February 14, 2006, which was docketed in the Sixth Circuit as case no. 06-5247. On February 24, 2006,

Terry filed an irregular motion, entitled "Motion for Designation of Records and Request for Records for Appellate Purposes," asking for an order directing the Clerk to prepare and forward the record on appeal to the Sixth Circuit.

The petitioner's motion is unnecessary, as the Sixth Circuit will request the case file when it is ready to consider the appeal, and the Clerk will transmit the file to the Sixth Circuit without the necessity of an order. Accordingly, the petitioner's motion is DENIED. The Clerk is directed to send the petitioner a copy of the docket sheet in this case along with this order.¹

IT IS SO ORDERED this 24th day of April, 2006.

/s/ Jon P. McCalla
JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE

¹ In the future, copies of the docket sheet may be obtained directly from the Clerk without the filing of a motion.